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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,284	03/09/2006	Andreas Schmidt	2003P13545WOUS	6059

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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STEINBERG, JEFFREY S

ART UNIT	PAPER NUMBER
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4193

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01/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/571,284	<b>Applicant(s)</b> SCHMIDT ET AL.	
	<b>Examiner</b> JEFFREY STEINBERG	<b>Art Unit</b> 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/9/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 14, 19 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (US 5,714,972) (hereinafter '972).

Regarding Claim 14, Tanaka, et al.('972), discloses an input device for inputting control instructions into a data processing system, comprising: a movement acquisition device("position detector 1," Col. 3, line 46) for capturing a translative movement of a reference point on the input device and for outputting corresponding movement data("selector 3," Col. 3, line 57); a display device having a first display field("display screen 4," Col. 4, line 2) for displaying a field of control elements, at least one control instruction assigned to each control element (Fig. 5) a control device ("selector 3," Col. 3, line 57) for controlling the display device such that the field of control elements is displaced on the first display field based on to the movement data output by the movement acquisition device(Col. 4, lines 8-9); and a selector device(Col. 3, line 57) for selecting a control element from the field of control elements, the selector device located in a selection segment of the first display field (Fig. 2).

2. Regarding Claim 19, Tanaka('972) anticipates the input device (Col. 2, ll. 4-8) according to claim 14, further comprising a further movement acquisition device("position detector 1," Col. 3, line 46) for capturing a rotation about an axis, the axis passing through the reference point, and for outputting further movement data to the control device(Col. 2, ll. 10-13).

3. Regarding Claim 25, Tanaka, et al.('972), discloses A data processing system, comprising an input device("sensor" in the reference, Col. 3, line 46) for inputting control instructions into the data processing system, the input device comprising: a movement acquisition device("sensor in" the reference, Col. 3, line 46) for capturing a translative movement of a reference point on the input device

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and for outputting corresponding movement data ("converter," Col 3, line 51) ; a display device having a first display field(Col. 4, line 2) for displaying a field of control elements, at least one control instruction assigned to each control element; a control device (converter," Col 3, line 51 for controlling the display device such that the field of control elements is displaced on the first display field based on to the movement data output by the movement acquisition device; and a selector device(Col. 3, line 57) for selecting a control element from the field of control elements, the selector device located in a selection segment of the first display field(Fig. 2).

4. Regarding Claim 26, Tanaka teaches that the "transmission path (communication is inherent in any electronic system) may be a wired path or wireless path" and clearly reads on the data processing system is a mobile radio unit, a mobile telephone, a portable computer or a wristwatch.

### ***Claim Rejections - 35 USC § 103***

1. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

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the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US 5,714,972)(hereinafter '972) in view of Cobbley et al.(US 7,036,086)(hereinafter '086).

Regarding Claim 15, Tanaka ('972) fails to disclose a virtual keyboard. Cobbley ('086) teaches "keyboard images." (Col. 1, line 1) and more specifically, "data entry areas . . . designated for the entry of text or numeric data." Tanaka and Cobbley are analogous because they are from the same field of endeavor, specifically, displays. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Display Device disclosed by Tanaka with the teachings of Cobbley, since such a modification would have added utility to any type of display technology.

Regarding Claim 24, Tanaka et al.('972) does not disclose a control device configured to control the display device such that at least one of the control elements of the field of control elements moves independently on the first display field. Cobbley et al.('086) teaches a field of control elements moves independently on the first display field. (Fig.2). Tanaka and Cobbley are

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analogous because they are both concerned with the same endeavor, Electronic Devices that employ displays. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Display Device disclosed by Tanaka with the teachings of Cobbley since such a modification would have added control/selector elements to a peripheral device.

4. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US 5,714,972)(hereinafter '972) in view of Wong et al. (US 7,411,583)( hereinafter '583).

Regarding Claim 16, Tanaka('972) discloses “. . . a position sensor, a velocity sensor or an acceleration sensor or the like is used as the position detector but fails to teach an optical sensor. Wong('583) teaches “. . . utilizing an optical sensor based user interface for registering user input. (Col 1, ll. 19-20). Tanaka and Wong are analogous because they are both concerned with the same endeavor, Electronic Devices. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Display Device disclosed by Tanaka with the teachings of Wong, since such a modification would have added another type of input to a peripheral device such as a display.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US 5,714,972)('972), and further in view of Nmngani(US 5,541,621)('621).

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Regarding Claim 17, Tanaka('972) discloses “. . . a position sensor, a velocity sensor or an acceleration sensor or the like is used as the position detector but fails to disclose a rolling sensor. Nmngani teaches “sensor rollers.” Said sensor rollers detect the amount of rotation of the ball in the A and B directions and output the corresponding data to the display system.(Col. 5, ll. 44-49). Tanaka and Nmngani are analogous because they are both concerned with the same endeavor, Electronic Devices that employ displays as well as detectors. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Display Device disclosed by Tanaka with the teachings of Nmngani, since such a modification would have added another detector/input to a peripheral device.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al.('972) in view of US Patent to Narayanaswamy et al. (US 6,144,358)(hereinafter '358).

Regarding Claim 20, Tanaka et al.('972) fails to disclose a second display field for displaying a plurality of control instructions assigned to a control element located in the selection segment. Narayanaswamy teaches two or more displays (Abstract, Figs. 3-5). Said displays have an image generator that generates image signals—plural. (Col. 3, ll. 19-22). This has been interpreted by the Examiner to read upon “a plurality.” Tanaka and Narayanaswamy are analogous because they are both concerned with the same endeavor, Electronic Devices



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that employ Displays. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Display Device disclosed by Tanaka with the teachings of Narayanaswamy, since such a modification would have added space to provide for more inputs to a peripheral device.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al.('972) in view of US Patent to Narayanaswamy et al. '358 and in further view of US Patent to Cobbley et al. (US 7,036,086).

Regarding Claim 21, Tanaka et al.('972) does not disclose a plurality of selection elements, each selection element assigned to one control instruction of the control instructions assigned to the control element located in the selection segment. Cobbley teaches "data entry areas {that} may be character entry blocks or boxes . . . , such as instructions for inserting data." (Col. 2, ll. 34-37). Tanaka and Cobbley are analogous because they are both concerned with the same endeavor, Electronic Devices that employ displays. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Display Device disclosed by Tanaka with the teachings of Cobbley since such a modification would have added another display to a peripheral device thereby affording more space to allow for a plurality of selector elements.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al.('972) in view of Narayanaswamy et al. ('358) in further view of US Patent to Cobbley et al. (US 7,036,086).

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Regarding Claim 22, Tanaka et al.('972) fails to disclose the input device according to claim 21, wherein the selection elements are positioned adjacent to the second display field such that a selection element is located adjacent to a display of a corresponding control instruction. Narayanaswamy teaches two display fields that are adjacent. Tanaka and Narayanaswamy are analogous because they are both concerned with the same endeavor, Electronic Devices that employ displays. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Display Device disclosed by Tanaka with the teachings of Narayanaswamy, since such a modification would have added another display to a peripheral device thereby affording more space to allow for a plurality of selector elements.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al.('972) in view of Narayanaswamy et al. ('358).

Regarding Claim 23, Tanaka et al.('972) fails to disclose wherein the display device comprises a third display field for displaying a plurality of recently selected control instructions. Narayanaswamy teaches three displays (Col. 4, ll. 17-18, Fig. 6). Tanaka and Narayanaswamy are analogous because they are both concerned with the same endeavor, Electronic Devices that employ Displays. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Display Device disclosed by Tanaka with the

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teachings of Narayanaswamy, since such a modification would have added space to provide for more inputs to a peripheral device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY STEINBERG whose telephone number is (571)270-7617. The examiner can normally be reached on Monday-Friday 7:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Derris H Banks/  
Supervisory Patent Examiner, Art

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Unit 3725